MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

ULS3612 – LAW OF SUCCESSION

(All Sections / Groups)

05 MARCH 2020
Reading Time: 2.30 p.m – 2.45 p.m
(15 minutes)
Answering Time: 2.45 p.m – 5.45 p.m
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions only. Answer **ALL** questions in **PART A** and **ONE (1)** question in **PART B**.

3. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Wills Act 1959
   ii. Distributions (Amendment) Act 1997
   iii. Probate & Administration Act 1959
   iv. Small Estate (Distribution) Act 1955

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Students are not allowed to lend or borrow statute(s) during the Examination.

6. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ALL QUESTIONS.

QUESTION 1

Baba died recently. Baba has no relations and left his entire estate consisting of two bungalow houses and RM1,000,000 to his neighbour, Rama.

The will was written on a small piece of present wrapper that was found after his death under his pillow. It was not dated and Baba did not sign the will by himself. Baba's will was signed by Agogo (Baba's part time cleaner), on Baba's behalf. Agogo signed on behalf of Baba because Baba was too lazy to hold a pen. In fact, the whole of the will was written by Agogo on Baba's behalf and on his directions. Agogo signed the will, in her own name.

Agogo's signature was witnessed by two witnesses, Ah Kau and Ah Beng. It was done at Ah Kau's house. Ah Kau realised that Agogo had been asked to sign Baba's will, but he was so engrossed in a television programme that he did not actually see Agogo signing the will. Ah Beng was right next to Agogo and Baba when the will was signed.

During a commercial break, Ah Kau added his signature as the witness. Baba was present in the room but Agogo and Ah Beng had left the room. When Agogo and Ah Beng returned, Ah Kau showed Ah Beng his signature and told Ah Beng to sign next to his (Ah Kau's) signature. Ah Beng did as he was told. Ah Beng was only 15 years of age.

Based on the above situation, evaluate the various issues with reference to Section 5 of the Wills Act 1959.

(Total: 25 marks)

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QUESTION 2

Mimi died recently at the old age of 98. She was a widow who lived alone in a small house in Melaka. Throughout the years, she had accumulated a rather large sum of money and other valuables such as jewelleries and expensive watches. She has become gradually confused and forgetful from the age of 90 until her death.

Two months before her death, she told her neighbour, Angie, that she wanted to make a will and asked for her assistance. She also mentioned to Angie that she would be leaving all her property to Angie since Angie was 'her long lost daughter' and 'an angel from heaven'. In fact, Angie was only her neighbour who had been assisting her in her weekly marketing and had been keeping her company on a daily basis.

Angie said nothing about not being Mimi's daughter and drafted the will as Mimi had requested. The will was executed two weeks before Mimi died. Mimi was by then heavily sedated, falling in and out of consciousness in hospital and she signed the will with her shaky hands in the presence of Angie and two other nurses.

It was later found out that Mimi had a surviving daughter, Eileen, who is residing in Penang. They had not been in contact for many years.

Advise Eileen.

(Total: 25 marks)

QUESTION 3

Mr. Square comes to your office and informs that his father, Mr. Circle, made a will before he died. In the will, Mr. Square has been given a power of authority to appoint an executor in order to execute and manage Mr. Circle's estate.

The list of estate and its distribution stated as the following:

a) A bungalow house at Taman ABCD to be given to my lovely wife, Mdm. Lily;
b) A red X70 Proton to be given to my son Mr. Square;
c) RM 500,000.00 in my saving account in Bank Camel to be shared by my daughters, Ms. Rectangle and Ms. Triangle in equal share;
d) Oblong, my youngest son is a nominee for my EPF and the money should be given to him, my other children and my mother, Mdm. Onz based on equal share;
e) Any residue, will distributes according to the intestacy rule in Malaysia.

Continued...

Answer the following questions:

(a) Mr. Square wishes to appoint himself as an executor. Explain to Mr. Square the appointment of executor in Malaysia.

(8 marks)

(b) A year, before Mr. Circle died, he divorced his wife Mdm. Lily and married with Mdm. Ruby. Mr. Circle then added a codicil to revive his will without any amendment. Consider the validity of the reviving will.

(8 marks)

(c) Based on the above situation and (b), distribute the estate accordingly.

(9 marks)

(Total: 25 marks)

PART B

ANSWER EITHER QUESTION 4A OR QUESTION 4B.

QUESTION 4A

Hassan dies leaving his survivors as follow:

i. His wife, Cikgu Murni, who was pregnant;
ii. En. Ahmad, his father and Puan Sabariah, his mother;
iii. Melor, his sister;
iv. Teratai, his daughter.

Hassan wrote a will disposing quarter of his estate to Melor. However, other heirs opposed to the will. He left RM160,000.00 in Bank Harimau saving account, RM180,000.00 in the Employer's Provident Fund, a car valued at RM140,000.00 and a house which was registered in the name of deceased and Cikgu Murni. The house was sold for RM600,000.00.

Answer the following:

a) Analyse the status of the wasiyyah.

(12 marks)

b) Distribute the estate according to the Islamic Law succession.

(13 marks)

(Total: 25 marks)

Continued...

OR

QUESTION 4B

Determine the following with reference to the law of intestacy in Malaysia:

a) Ms. Koko died of heart attack a day after her solemnization of her marriage. She was survived by her husband, Mr. Blue, her mother, Mdm. White, who had been judicially separated with her father, Mr. Brown. Mdm. White had a son, Tom with her previous marriage. Ms. Koko was also survived by a daughter of her predeceased sister.

(10 marks)

b) See Yuu Soon died due to accident last month. He was survived by his wife, his parents, three daughters and two grandchildren. He left RM150,000.00 in a current account of Bank Baik and RM200,000.00 in the Employee's Provident Fund.

(8 marks)

c) Black and his wife, Pink, died instantly in a tragic accident. Pink was a year younger than Black. Black left a will bequeathing half of his estate to Pink. Balck also survived by his sister, Red and his uncle, Grey. He left RM 5.1 million worth of assets.

(7 marks)

(Total: 25 marks)

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